

**TOWN OF BIG FLATS AGENDA  
WEDNESDAY, JUNE 22, 2016 AT 7:00 P.M.**

**WATER BOARD**

**CALL TO ORDER**

**NEW BUSINESS**

Water Line Easement

**TOWN BOARD**

**CALL TO ORDER**

**PUBLIC HEARDINGS 7:00 p.m. Local Law #2 Zoning amendment “Hobby Farms”**

**CONCERNS OF THE PEOPLE**

**MINUTES** – May 25, 2016 and June 8, 2016

**NEW BUSINESS**

Budget Amendment, Void Check

Abstract of Audited Vouchers

Surplus Declaration

Amendment of Adopted Fee Schedule

Notice of Order, “ No Parking” Signs

Research Bathroom upgrade at Community Park

Town Campus Landscaping

Setting Local Law #3 Vacant & Abandoned Properties

Communication Log

PROPOSED RESOLUTION NO. 01-062216  
A RESOLUTION ACCEPTING NEW EASEMENT AND R-O-W FOR RELOCATED WATER  
LINE FOR FUTURE O & M OF THE WATER DISTRIBUTION SYSTEM,  
RELATED FACILITIES

Resolution by:

Seconded by:

WHEREAS Lawrence A. Jepsen, residing at 302 Chelsea Court, Horseheads, NY 14845 has offered to provide an easement for a 20ft wide perpetual R-O-W and easement to the Town of Big Flats for the purpose of allowing access to a newly relocated portion of a waterline located in the Soaring Ridge development on Tax Map Parcel # 77.01-1-4 in the Town of Big Flats, and

WHEREAS the Town Supervisor, Town Attorney and Water Systems Supervisor have reviewed the proposed offer of dedication and approved the same, and

WHEREAS the above owner has executed and filed said easement with the Chemung County Clerk's office, and the following documents are attached:

Easement, signed and dated by both parties, properly notarized,  
Map, showing location of easement and R-O-W

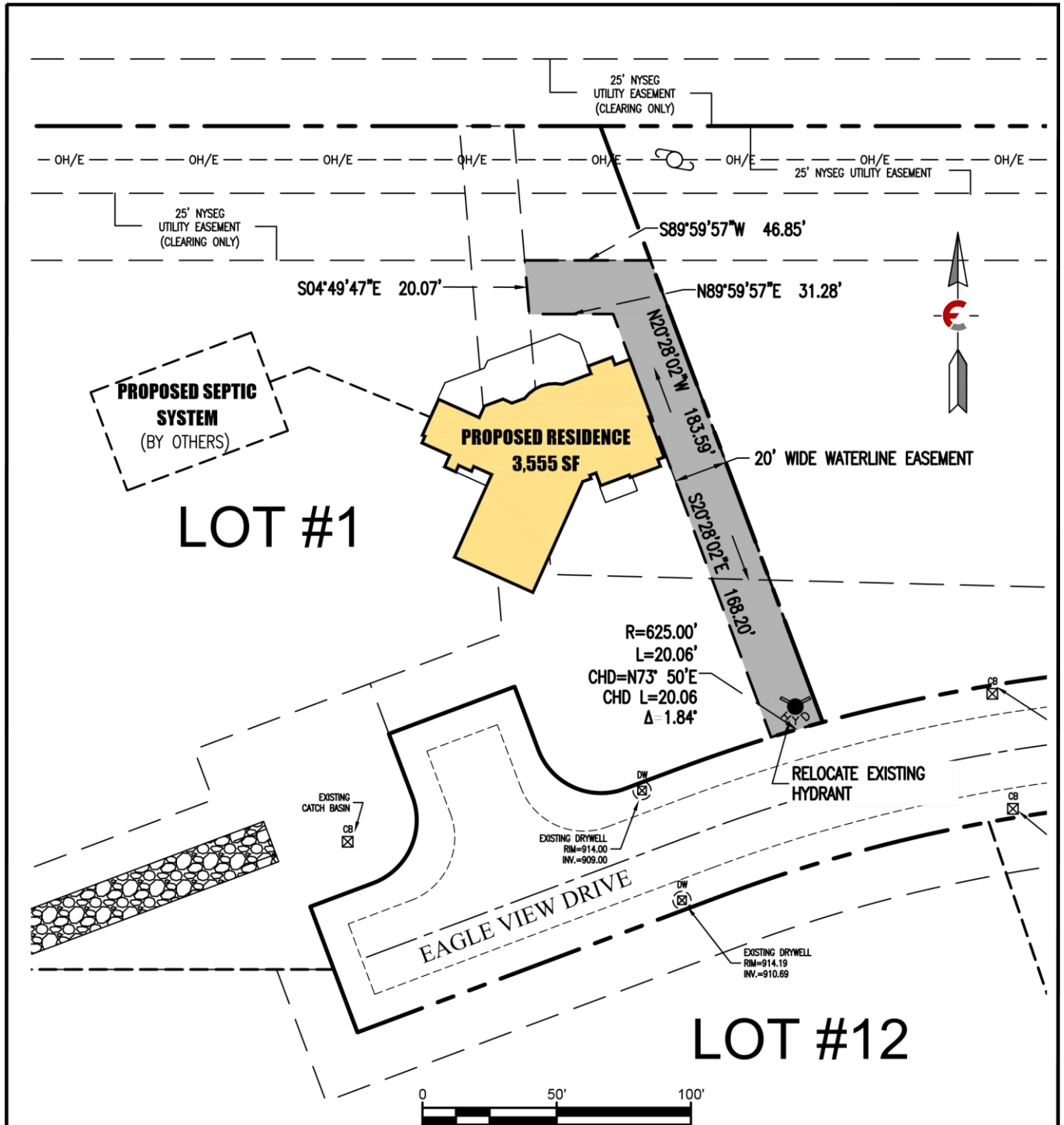
WHEREAS, this is an administrative Type 2 action under SEQRA 6NYCRR 617.5 (C) 20 and thus no environmental review action is required herein, and

BE IT THEREFORE RESOLVED the Town Board, as recommended by the Town Supervisor, Town Attorney and Water Systems Supervisor hereby accepts the offer of dedication of said Easement, and be it

FURTHER RESOLVED the Town Supervisor is hereby authorized to execute and file any and all documents to effectuate the acceptance of said easement, subject to the review and approval of the Attorney for the Town.

CARRIED: AYES:

NAYS:



**FAGAN**  
ENGINEERS  
& LAND SURVEYORS PC

113 East Chemung Place  
Elmira, N.Y. 14904  
Phone (607) 734-2165  
Fax (607) 734-2169  
www.FaganEngineers.com

**SOARING RIDGE SUBDIVISION**  
**LOT #1 SITE PLAN AND WATER**  
**MAIN RELOCATION**  
**PROPOSED WATER LINE EASEMENT**  
**TOWN OF BIG FLATS, CHEMUNG COUNTY N.Y.**

Scale:	1" = 50'
Date:	June 13, 2016
Design By:	DLW
Drawn By:	RSN
Checked By:	DLW
Project No.:	2016.035
Drawing Name:	16035.dwg

PROPOSED RESOLUTION NO. 02-062216  
A RESOLUTION TO APPROVE THE BUDGET TRANSFER AND VOID CHECK

Resolution by:

Seconded by:

WHEREAS a memorandum was received from the Bookkeeper, dated June 15, 2016 requesting authorization for a Budget transfer and voiding a check, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following Transfer, and void check:

**Budget Transfers-Water District #5 –Budget amendment**

Please authorize a budget transfer for overspent budget

To S & S Power & Pump -CE-S5.8340.0400	40.00
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From Workers Comp Ins -S5.9040.0800	40.00
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**Void check**

Please authorize voiding of check # 15556 made payable to Thomson Reuters –West Publishing Corp. dated 04/29/16, amount \$71.33 and deleting vouchers #4006856. This check is lost in the mail and a new check will be reissued.

CARRIED: AYES:

NAYS:

PROPOSED RESOLUTION NO. 03-062216  
A RESOLUTION TO APPROVE THE ABSTRACT OF AUDITED VOUCHERS  
FOR JUNE 22, 2016

Resolution by:

Seconded by:

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for June 22, 2016, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 31,389.06
HIGHWAY FUND	\$ 76,975.25
SEWER DISTRICT	\$ 836.00
WD 4 & 5 CAPITAL PROJECT#12	\$142,338.50
WATER DISTRICT #4	\$ 945.00
WATER DISTRICT #5	\$ 4,396.38
LIGHTING DISTRICT	\$ 531.92

CARRIED: AYES:

NAYS:

PROPOSED RESOLUTION NO. 04-062216  
A RESOLUTION TO APPROVE THE SURPLUS DECLARATION

Resolution by:

Seconded by:

WHEREAS, it has been determined that the items listed below should be declared as surplus

1. Miscellaneous Chairs
2. Desk Lamp
3. 3 Seagate Tape Stor 20/40GB Cart- Travan 40 Data Cartouche
4. Verizon Phone Holster that fits a Para W755
5. Verizon Phone Holster that fits a Para Convoy
6. Verizon Earbud Headset- Jabra
7. Sony Digital Still Camera- DSC-P52
8. HP Digital Camera- Photosmart- GRLYB-0304

, and

WHEREAS for environmental purposes, the sale of surplus government equipment is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (25) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the attached listed items to be sold as surplus.

CARRIED: AYES:  
NAYS:  
ABSENT:

PROPOSED RESOLUTION NO.05-062216  
A RESOLUTION TO AMEND THE ADOPTED FEE SCHEDULE, RESOLUTION NO. 56-16  
FOR CORRECTIONS

Resolution by:

Seconded by:

WHEREAS Resolution No. 56-16 named Fee Schedule was adopted on January 13, 2016 and

WHEREAS fees were listed incorrected, and

WHEREAS the attached list has the corrected fees, and

WHEREAS for environmental review purposes the adoption of a Fee Schedule is a Type II action under SEQRA, 6NYCRR part 617.5(c) (19) and (26), now

BE IT THEREFORE RESOLVED that the Town Board approves the amended resolution and that the following corrected application and licensing fee schedule is hereby adopted and in effect for the listed activities or actions.

CARRIED: AYES:  
NAYS:  
ABSENT:

# Department of Public Works Fees

## Pavilions

### Time Slots

Monday – Friday 4 PM – 8PM

Saturday/Sunday/Holidays Slot 1 is 9AM – 2:30 PM

#### **Small Pavilion Liz Farr or Sperr**

	For 1 Time Slot	For 2 Time Slots on Weekend/Holiday Only
Resident	\$ 30.00	\$ 45.00
Non-Resident	\$ 50.00	\$ 75.00

#### **Large Pavilion Coopers/Jacobus**

	For 1 Time Slot	For 2 Time Slots on Weekend/Holiday Only	Deposit
Resident	\$ 50.00	\$ 75.00	
Non-Resident	\$ 80.00	\$ 120.00	
Corporation/ Special Event	\$ 125.00	\$ 187.50	\$ 50.00

Deposit is in addition to reservation fee.

## Fields

### Seasons

Spring: May - July

Fall: August - October

### Time Slots

Monday – Friday

Slot 1 3:30 PM-6 PM

Slot 2 6 PM-8:30 PM

Saturday / Sunday / Holiday

Slot 1 8 AM-12 PM

Slot 2 12 PM-4 PM

Slot 3 4 PM-8 PM

60% or more of Team is Residents	\$10 per Day for 1 Field for 1 Time Slot	\$70 per Season for 1 Field for 1 Time Slot
Non-Resident	\$15 per Day for 1 Field for 1 Time Slot	\$100 per Season for 1 Field for 1 Time Slot



## **Concessions**

### **Little League**

\$150 per Season

\$100 per Tournament

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### **Softball**

\$25 per Day

\$150 per Season

\$100 per Tournament

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## **Permits**

### **Driveway**

\$25 Residential

\$50 Commercial

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### **Highway**

No Hole in Roadway-No Charge

Hole in Roadway- \$50

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PROPOSED RESOLUTION NO. 06-062216  
A RESOLUTION TO APPROVE THE NOTICE OF ORDER TO ADD NO PARKING SIGNS  
ON BENNETT RD

Resolution by:  
Seconded by:

WHEREAS the Town has received a request from the Golden Glow Volunteer Fire Company (GGVFC) to place “No Parking” signs on Bennett Road due to non-members utilizing fire department parking and/or blocking the apparatus bay doors, and

WHEREAS The Town believes the request to be reasonable and appropriate, and

WHEREAS The Town will amend its regulations as follows:

*Add No Parking Signs on both sides of Bennett Road, from Golden Glow Volunteer Fire Company to Culvert. Parking will only be allowed in parking area adjacent to Golden Glow Park.*

, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves the amendment to the Town’s regulations regarding parking on Bennett Road.

CARRIED:   AYES:  
              NAYS:  
              ABSENT:

PROPOSED RESOLUTION NO. 07-062216  
A RESOLUTION TO APPROVE THE RESEARCH BATHROOM UPGRADE AT  
COMMUNITY PARK

Resolution by:  
Seconded by:

WHEREAS the Parks Committee has discussed the installing of Clivus Multrum Composting Toilet bathrooms at Community Park, and

WHEREAS the recient bathrooms do not meet the current needs for the community when utilizing the park for recreation, health and community involvement, and

WHEREAS the Parks Committee recommends researching alternatives to the current system such as septic or sewer, and

WHEREAS the Parks Committee and the Department of Public Works asks the Town Board to discuss on what options should be investigated, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c)(20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board will discuss and direct the Department of Public Works to present options.

CARRIED:   AYES:  
              NAYS:  
              ABSENT:

**PROPOSED RESOLUTION NO. 08-062216  
A RESOLUTION TO APPROVE THE TOWN CAMPUS LANDSCAPING  
OF EXISTING SHRUBS AND FLOWER BEDS**

Resolution by:  
Seconded by:

WHEREAS the Town Board requested alternatives for upkeep and maintenance of existing campus shrubs and flower beds, and

WHEREAS five quotes were requested from local landscaping companies with comparisons listed below

Vendor	Date Submitted	Fee Per Man Hour	Fee Per Day	Mulch Brown	Mulch Black	Mulch Red (Not Requested)	First Time Completing		Ongoing ?	TOTAL
							Beds # Days	Shrub # Days		
Horton Landscaping	5/31/2016	\$25	\$450 / 2-man crew	\$30/yd triple ground mulch	\$35/yd	\$35/yd	3	1	\$1350 + mulch	Weekly / bi-weekly 2-3 hours \$1350 + mulch (a lot will be needed)
Preferred Landscaping LLC	6/8/2016	\$35		\$38/yd double ground mulch	(Less Expensive Mulch Available)		3 (2-mlch; 1-edg)	1	\$2232 + \$750/trim + \$560/edge + mulch	as needed Depending on Mulch Chosen \$4350.00 - \$4910
Sullivan Landscaping	6/14/2016	\$40	4-man crew	\$37/yd	\$43/yd		3	1	\$3,450.00	Weekly / bi-weekly \$ 3,450.00
Premier Landscaping	No response									
R.S. Parker	No response									
Town Landscaper Position	5/1/2016	Pat S. \$12.61 ; Kim P. \$11.00	\$50.44-Pat ; \$33.00-Kim	20 hrs/wk for 24 wks, approx Apr/Oct-Pat ; 15 hrs / week, 4-6 wks in Spring, 2 wks in Fall-Kim					[2015 \$35/yd from Black Gold for Red Mulch (4 yds)]	\$6150-Pat ; \$1320-Kim ; + mulch
DPW Temporary/ Seasonal Parks/Grounds	May-Aug	\$9.50-2016 ; \$12-2017	\$76-2016 ; \$96-2017	Need to hire additional seasonal worker for additional campus duties					[2016 \$29.75/yd from McDonald Contracting for Black Mulch]	\$1140-2016 ; \$1440-2017 ; + mulch

, and

WHEREAS the Commissioner of Public Works recommends maintaining current landscaping and/or removal of some isolated shrubs for the remainder of the 2016 season, and

WHEREAS the Commissioner of Public Works further recommends planning the consolidation of flower beds, shrubs and gardens for the 2017 season, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves            for the upkeep and maintenance of the existing landscaping for the town campus for the remainder of the 2016 season based on the recommendations of the Commissioner of Public Works.

CARRIED:   AYES:  
              NAYS:  
              ABSENT:

PROPOSED RESOLUTION NO. 09-060816  
A RESOLUTION TO SET A PUBLIC HEARING, LOCAL LAW #3 OF 2016 ON JUNE 22,  
2016 AT 7:00 PM TO CONSIDER THE ENACTMENT OF A NEW ORDINANCE  
ADDING A NEW TITLE 11 (TO BE ENTITLED "VACANT AND ABANDONED  
PROPERTIES" TO THE PRESENT MUNICIPAL CODE BEGINNING WITH NEW  
SECTION 11-8.

Resolution by:  
Seconded by:

WHEREAS, the Town Board finds that vacant and abandoned properties can lead to neighborhood decline and become attractive nuisances causing the Town to incur significant costs in the form of staff time for code enforcement actions seeking to maintain and ensure the acceptable condition of these properties and they can lead to the deterioration of neighborhoods; and

WHEREAS, vacant and abandoned properties act as a significant financial drain on municipalities requiring a disproportionate amount of municipal resources; and

WHEREAS, a study in Richmond, Virginia indicated that of all the economic and demographic variables tested, vacant and abandoned properties had the highest correlation to incidents of crime, and

WHEREAS, the National Vacant Properties Campaign shows that vacant properties are an increasing expense with every year a property remains vacant or abandoned as such vacant properties require significant time, attention and funds from departments in order to ensure nuisance abatement, crime prevention, fire prevention, regular property maintenance to ensure compliance with code and to prevent an overall decrease in neighboring property values; and

WHEREAS, vacant and abandoned properties are a strain on the resources of local Fire Districts and the Town Code and Planning Departments, depreciate property values, reduce property tax revenue, attract crime and degrade the quality of life for remaining residents, and

WHEREAS, the longer the foreclosure process is delayed, the longer homes remain vacant and the cost of rehabilitation and repair increases, and

WHEREAS, there are disincentives for mortgage holders to foreclose as the estimated cost to the lender to complete a foreclosure is \$50,000 (source is GMAC-RFC cited by Desiree Hatcher in "Foreclosure Alternatives: The Case for Preserving Home Ownership" in *Profitwise News and Views*, Federal Reserve Bank of Chicago, February 2006) and they must consider that when estimating value of a house for sale, and

WHEREAS, studies such as the National Vacant Properties Campaign, Vacant Properties: The True Cost to Communities 11 (2005) have found that buildings near vacant property can lose up to \$7,627 plus in their value and such nearby buildings can incur higher insurance rates or cancellations of insurance if their neighborhood becomes unstable due to a vacancy, and

WHEREAS, the monies assessed in this ordinance as fees etc. can be utilized to cover some of these costs and if not paid shall become charges against the property and be applied to the individual properties' tax bill, and

WHEREAS, taxpayers who take care of their homes and properties should not have to subsidize these properties and, accordingly, a registration and other fees should be assessed to cover such costs; and

WHEREAS, it is necessary to take steps to monitor such properties to protect Town residents.

NOW THEREFORE, BE IT RESOLVED by the Town Board of the Town of Big Flats, in the County of Chemung and State of New York, that a public hearing be held on July 13, 2016 at 4:30 pm or as soon thereafter as possible to consider the following new ordinance:

ORDINANCE NUMBER 11.01 et seq under new Title 11

## TOWN OF BIG FLATS

Authority. This chapter is adopted pursuant to Article 2, § 10, of the Municipal Home Rule Law of the State of New York.

Findings; purpose. It is hereby found and declared that there exists within the Town of Big Flats a significant number of real properties that are or have the potential to be habitually vacant, and the existence of such habitually vacant properties contributes to the decline of neighborhoods and business development within the Town. It is further found the existence of habitually vacant structures adversely affects the economic well-being of the Town and is adverse to the health, safety and welfare of the Town's residents. It is further found that many of the vacant properties can be rehabilitated, reconstructed, demolished and/or sold and reused to prevent the development of blighted conditions thus decreasing the Town's appeal to possible businesses locating in the Town, so as to provide decent, safe, sanitary and productive residential, industrial or commercial facilities and that such rehabilitation, reconstruction, demolition and/or sale and reuse would eliminate, remedy and prevent the adverse conditions described above and that most of such properties can be sold or otherwise deal with thus the long term effects of vacancy. As such, the purpose of this chapter is to establish a uniform and effective program to prevent, identify and remedy the existence of such vacant properties within the Town.

### 1. DEFINITIONS AND WORD USAGE.

For the purposes of this chapter, the following words, terms and phrases shall have the following ascribed meanings, unless the context clearly indicates otherwise. Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall include both genders:

**AT-RISK PROPERTIES.** All parcels of land located within the Town that are either:

- a. Identified within the Town Assessor's Office or the Office of Code Enforcement as being in a poor or less than fair condition; or
- b. Identified by the Town's Code Enforcement Office as being a vacant structure.

## **PROPERTY OWNER**

The person, persons, or entity shown to be the owner or owners according to the records of the Town of Big Flats Assessor's Office, those identified as the owner or owners on a vacant building registration form, a mortgagee in possession, a mortgagor not in possession, an assignee of rents, a receiver, executor, administrator, trustee, lessee, or any other person, firm, corporation or entity in control of the premises or any entity that holds a mortgage or any other possible possessory interest in such property regardless of whether or not the mortgage has been bundled with other such debts including said property and regardless of whether or not an actual foreclosure process has been commenced. A municipal entity shall not be considered an owner for purpose of this section. Any such person shall have joint and several obligations for compliance with the provisions of this ordinance.

## **PROPERTY INCENTIVE PROGRAMS**

Each and every local, state or federal economic development program; property enhancement, improvement, revitalization, or protection program; industrial development agency programs; or similar property incentive programs or services, as may be available in the Town.

## **REDEVELOPMENT AND/OR REPAIR PLAN**

A detailed plan or report prepared by or on behalf of the subject property owner setting forth the property owner's action plan to accomplish the redevelopment, renovation, repair, improvement, safe occupation, sale and other full utilization (including possible demolition) of the at-risk property. Said detailed plan shall contain both short and long-term goals with estimated dates of completion regarding the redevelopment, renovation, repair, improvement, safe occupation and/or full utilization of the property and, if applicable, a prevention plan to ensure the property does not become an at-risk property again in the future.

## **SECURED BY OTHER THAN NORMAL MEANS**

A structure secured by means other than those used in the designed and approved plans for the structure.

## **STRATEGIC DEVELOPMENT OR PROPERTY PROTECTION AREAS**

Geographical areas of the Town that possess one or more of the following characteristics and that are designated as such by resolution of the Town Board:

- a. Areas in which the Town's primary retail and commercial centers are located;
- b. Areas of the Town in which the traveling public primarily travels;
- c. Areas of the Town designated as qualifying for a specific area-wide property incentive program; or
- d. Areas of the Town in which at-risk properties are predominately located in relationship to the other areas of the Town.



## **TOWN**

The Town of Big Flats.

### **UNOCCUPIED OR VACANT STRUCTURES**

A structure or portion thereof which lacks the habitual presence of human beings who have a legal right to be on the premises, including structures ordered vacated by the Code Enforcement Officer for a continuous period of at least six months. In determining whether a structure is unoccupied, the Code Enforcement Officer may consider these factors, among others:

- a. Whether lawful residential or business activity has ceased and it is unoccupied and/or unsecured for over six consecutive months unless such property is listed for sale and active and productive attempts are being made to sell the property;
- b. The percentage of the overall square footage of the occupied to unoccupied space or the overall number of occupied and unoccupied units;
- c. The structure is substantially devoid of contents of minimal value, of fixtures or personal property in the structure;
- d. The structure lacks utility services;
- e. The structure is illegally occupied;
- f. The structure is subject to a foreclosure action even if not yet commenced; or
- g. The presence or reoccurrence of Code violations.

### **UNSECURED**

A structure or portion of a structure which is open to entry by unauthorized persons without the use of tools or ladders.

## **2. VACANT BUILDING REGISTRATION AND FEES.**

A. The owner of a vacant building shall register with the Code Enforcement Office no later than 30 days after any building becomes a "unoccupied or vacant building", as defined above, or no later than 30 days after being notified by an enforcement officer of the requirement to register. An enforcement officer may identify vacant buildings through his/her routine inspection process as well as through notification by residents, neighborhood associations and other community groups that a building may be eligible for inclusion on the registry. A notice to register will be served upon, or sent by first class mail to, the property owner, mortgage holder and any registered property manager, and to the property address. Notice will be deemed received by the property owner and property manager, as the case may be, upon personal delivery or five days after service by first class mail. The Town shall post a notice to register the property and the Town may post notices on the Town's website to provide additional notice to the public. However, the Town's failure to post such notices on the Town's website shall not constitute a defense to any enforcement proceeding or collection of fines or any fees or assessments. The failure to timely register will subject the owner to an initial \$500 per month

penalty which can be assessed against the property and will commence 10 days after notice to register has been mailed to the owner. The Town's Code Enforcement Officer shall have the discretion to waive these monthly penalties upon finding good cause for failure to register in a timely fashion or economic hardship and this waiver shall be re-evaluated on a monthly basis. Monthly penalties for failure to properly register the property shall increase to \$1,000 after the property has been vacant for over two years, to \$2,000 after the property has been vacant for 3-5 years, to \$3,500 for properties that have been vacant for 5-10 years, and \$5,000 for 10 or more years. Additionally, these monthly penalties may be waived on a monthly basis by the Code Enforcement Officer if the owner is actively and in good faith demolishing, rehabilitating or repairing the property and provides an acceptable and reasonable indication of the time these efforts will be completed, if the owner shows that he is actively trying to sell or lease the property.

B. The registration shall be submitted on forms provided by the Code Enforcement Office, and shall include the following information and shall be notarized:

1. A description of the premises, including the street address, approximate age and square footage of the building, number of stories, and the most recent use of the building.

2. (a) Name, principal residence address, principal business address, telephone number and email address of each owner.

(b) If the owner is an association, partnership, limited liability partnership, joint tenancy, tenancy in common, tenancy by the entirety or other entity, the name of each and every owner, partner or general partner and addresses.

(c) If the owner is a corporation or a limited liability company, the principal place of business of the corporation or company must be provided and the name, title and residence address of all officers, directors, managing or general agents must also be included.

(d) If the owner is a mortgage holder on that property, its full name and address and telephone number where a representative handling the mortgage and where a representative managing the condition of the mortgaged property may be reached at all times. If this is changed at any time, the form must be immediately re-submitted within 30 days. If the mortgage is, or has been, sold to another entity the same information must be provided regarding that entity. This requirement is ongoing so any changes will require a new registration form to be submitted and if not submitted within 30 days of any such change shall subject the owner to penalties set forth above commencing 30 days after a change was made and no new form is presented.

(e) The street number of the building.

(f) If applicable, the name of the owner's designated agent, including agents responsible for the upkeep of the property, with the agent's principal residence address, principal business address, telephone number and email address.

(g) If said owner's principal place of business is not located within Chemung County, or is located within Chemung County but none of the business's officers or directors or members reside in said county, or the owner's principal place of residence is not located in said county, the

owner must designate on the registry form a natural person 18 years of age or older who resides in Chemung County as owner's agent whom the owner authorizes to make decisions regarding the management and maintenance of the building and upon whom service of legal process and all notices may be served or delivered. The owner's designation of an agent shall authorize and empower the agent to make such decisions on behalf of the owner.

(h) It shall be the responsibility of the owner to properly register any change of address, agent or any other registration information which occurs after the filing of the registry within 30 days of the date of change.

(i) The owner shall specify the address to which all notices, violations and invoices are to be delivered.

(j) The names, addresses and telephone numbers of all other known lien holders. Each address must include a street address.

(k) For all purposes of this subsection, a post office box shall not be accepted as the owner's or agent's address.

(l) A vacant building plan as described in subsection (B) below.

(m) Failure to designate an agent and comply with the requirements of this section when required shall after the first month of non-compliance subject the property owner to a \$500/month fee to be paid to the Town.

## **B. VACANT BUILDING PLAN**

(1) The owner shall submit a vacant building plan which must meet the approval of the Code Enforcement Office. The plan, at a minimum, must contain information regarding one of the following three proposals for the building:

a. If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition, which demolition must be completed no later than six months from the date of the submission of the plan.

b. If the building is to remain vacant, a plan for the securing of the building in accordance with standards provided below, together with the procedure that will be used to maintain the property and a statement of the reason(s) why the building will be left vacant; or

c. If the building is to be returned to a permitted occupancy or use, rehabilitation plans, if required, for the building. The time period to complete the rehabilitation plans shall not exceed 365 days from the date of submission of the plan and the plan shall include progress benchmarks at four-month intervals, unless the Code Enforcement Office grants an extension for good cause shown, upon receipt of a written statement from the owner submitted prior to the expiration of the time period detailing the reasons for the extension. Any repairs, improvements or alterations to the property must comply with any applicable zoning, historic preservation and building codes. The building must be secured as set forth below during the rehabilitation period. If the property needs no rehabilitation, it shall be placed for sale no

later than 60 days after being declared to be vacant or as soon as a mortgage foreclosure is completed.

d. With regard to options (b) and (c) If the owner is a mortgage holder, a mortgage foreclosure action must be commenced on the sixth month after it has been declared to be vacant and the Town of Big Flats Code Enforcement Department shall be provided with copies of all mortgage foreclosure paper work including date of filing and that Department shall be advised in writing of the status of the foreclosure action. The Town is granted the right to intervene in such foreclosure action in order to see that it is completed as soon as possible. For each month after the 6 months referred to above, the mortgage holder shall have a penalty assessed against it for failing to timely commence a foreclosure proceeding as set forth above in the amount of \$500/month which may be assessed against the property. Failure to expeditiously complete the foreclosure action after the mortgage foreclosure proceeding was commenced shall subject the owner to a \$5000 penalty which may be assessed against the property.

(2) The owner shall comply with all applicable laws and codes. The owner shall notify the Code Enforcement Office of any changes in information supplied as part of the vacant building registration within 60 days of the change. If the plan or timetable for the vacant building is revised in any way, the revisions must be in writing and must be approved by the Code Enforcement Office.

(3) The owner and any subsequent owner shall keep the building secured and safe and the building and grounds properly maintained as set forth below.

(4) Failure of the owner or any subsequent owner to properly maintain the building and premises as required herein shall be grounds for the Town (i) to remediate the building and bill the costs of same to the owner as provided herein, or (ii) revoke the rehabilitation plans, or both, and the owner shall be subject to fees and penalties as provided herein.

(5) The owner(s) shall notify the Code Enforcement Office of any transfer of ownership within 60 days of the date of transfer. The new owner shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and approved by the Code Enforcement Office.

(6) If the building remains continuously vacant for one year or more from the date of registry, the owner shall pay to the city the following annual vacant building fee until the building is demolished or rehabilitated and listed for sale: First year, \$5000.00; each anniversary date thereafter, the fee shall be \$6,000.

(7) If the building is to be returned to a permitted use and if the rehabilitation plan has not been completed by the deadline stated in the rehabilitation plan or the extension date granted by the enforcement officer, unless the delay was due to an event outside the control of the owner, the owner shall pay to the city on the deadline date for the rehabilitation to be completed the following annual vacant building fee until the building rehabilitation is completed: \$5,000.00 on the first deadline date; on each subsequent annual anniversary date of the initial deadline date, the fee shall be \$6,000.00.

(8) All delinquent fees or penalties shall be paid by the owner prior to any transfer of an ownership interest in any vacant building. The owner shall give a purchaser or grantee written notice that the building being transferred is a vacant building under this ordinance. If the fees are not paid prior to transfer, the new owner shall pay the any unpaid fees or penalties no later than 30 days after the date of transfer and failure to pay by that date the new owner(s) shall be assessed interest on said fees or penalties at the rate of 10%/year.

(9) The vacant building registration fees and annual vacant building fees and all other fees or penalties are to be delivered, by mail or in person, to the Town Hall at 466 Maple Street, Big Flats, New York 14814. A late charge of one and one half percent per month shall be assessed on any invoice which is unpaid after 30 days from the date of the demand for payment or submission of an invoice. A replacement payment for a check returned due to insufficient funds shall be made in cash, money order, or by bank or certified check. Delinquent, unpaid registration and annual vacant building fees and penalties shall be a lien on the real property on which the building is situated and shall be added as a separate line item on the property owner's real property tax bill.

### **3. MAINTENANCE OF VACANT BUILDINGS**

(A) The owner of a vacant building shall take such steps and perform such acts as may be required to ensure that the building and its grounds remain safe and secure and do not present a hazard to the adjoining property or the public. Owners shall be responsible for maintaining their buildings and structures so that they do not become a hazard. In any building or floor area that is vacant or about to become vacant, there will be at least one means of access to the premises given to the Code Enforcement Officer which meets the approval of the enforcement officer.

(B) The owner shall protect and maintain the exterior of the building as follows:

(1) Exterior walls, including foundations, shall be maintained so that water does not penetrate into basements, cellars, or other interior areas. All exterior walls and foundations must be free of holes and crevices.

(2) Exterior doors, windows, skylights and similar openings shall be maintained to be weather tight.

(3) Exterior stairs, porches, entrance platforms, fire escapes and railings thereon shall be maintained in a safe and sound condition.

(4) Roofs shall be maintained in a weather tight condition.

(5) Exterior surfaces shall be maintained in good condition. Surfaces not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative.

(6) Glass coverings for windows and doors shall not consist of any substance sprayed onto the glass doors or windows. All enclosures shall be properly fitted and be of such material and surface that they are neither unsightly nor materially detract from the general

appearance of the building or the neighborhood and, when possible, are secured by normal means.

(7) The covering for broken doors and cracked or broken windows shall consist of replacement glass, Plexiglas, plywood or similar materials .

(8) Windows that are not cracked or broken may be covered with interior blinds, curtains, or shades.

(9) The entire premises shall be kept free of insects and vermin.

(10) Any excavations, swimming pools, or other conditions creating an attractive nuisance or possible hazard to others must be filled in or properly enclosed.

(C) In addition to the standards prescribed above, vacant commercial and retail buildings shall comply with the following standards:

(1) Any and all first floor windows shall be replaced by glass or Plexiglas, which coverings shall be maintained.

(2). All exterior signs, awnings, lighting systems and supporting framework, if not removed, shall be maintained in a non-deteriorated and safe condition.

(D) The owner shall protect and maintain the **interior** of the building as follows:

1. Structural members shall be maintained to resist and prevent deterioration.

2. Unheated attics, spaces below flat roofs, and crawl spaces shall be ventilated to minimize deterioration.

3. Ceilings, walls, floors and stairways shall be maintained in a safe and sound condition.

(E) The owner shall also maintain the premises as follows:

(1) The owner shall not permit garbage and refuse to accumulate.

(2) Buildings and structures shall be maintained free of insects, vermin and rodent harborage and infestation.

(3) Chimneys, smokestacks, flues, gas vents, smoke pipes and connectors shall be maintained structurally safe and smoke tight.

(4) If the building is to be demolished, then, within ten days of registering the building as a vacant building, all fuel gas, water, and utilities must be disconnected at the mains and water pipes drained. If the building is going to be rehabilitated, then the building must be heated or winterized to avoid freezing pipes; fuel gas pipe systems must be maintained gastight, safe and in an operative condition, and water pipes must be maintained to avoid leaks and/or breakage.

(5) Fuel tanks will be maintained so as not to be a hazard or shall be discontinued in a manner consistent with New York State Uniform Fire Prevention and Building Code.

(6) The water supply system of the building will be connected to an approved source, will not be subject to contamination and will not be connected to unsafe water supplies; alternatively, the system shall be disconnected at the main and completely drained.

(7) Storm water drainage systems shall be maintained so as to function properly and shall be kept free from obstructions, leaks and defects. Sewage septic systems shall be similarly maintained or shall be sealed so as to prevent accumulation of sewage gases in buildings.

(8) Electrical fixtures, devices, wiring and systems shall be maintained in safe working condition in a manner which shall avoid a potential source of ignition or shock; alternatively, the service shall be discontinued at the supply.

(9) Elevators, dumbwaiters and escalators shall be maintained or taken out of service, in accordance with ANSI A17.1.

(10) The owner shall provide for snow and ice removal on the premises and on adjoining sidewalks and shall comply in all respects with the Town's Municipal Code.

(11) Whenever the owner of a vacant building fails to comply with a notice from an enforcement officer to take steps and perform acts as are required of the owner to ensure that a building and the premises remain safe and secure and do not present a hazard to adjoining property, the Town may enter onto the building and the property and take steps and perform acts to render the building and the premises safe, secure and free from hazards to adjoining property and the public. These acts may include but not be limited to removal of dangerous conditions, properly replacing or boarding up windows and doors, shutting off utilities, capping plumbing to prevent leakage of water or sewer gas, or removing flammable or otherwise hazardous material and debris. The owner shall be personally liable to the Town for all expenses incurred by the city in rendering the building and premises safe and secure. In addition, the city's expenses shall be a lien on the real property on which the building is situated and shall be added as a separate line item on the property owner's real property tax bill. This liability shall be in addition to any fines or penalties imposed set forth herein.

#### 4. DEMOLITION AND OTHER SURETIES.

(a) If the vacant building plan submitted provides for the building to be demolished, the owner shall deposit or deliver to the Town a surety in an amount sufficient to cover the costs of demolishing the building.

(b) If the vacant building plan submitted provides for the building to remain vacant or for the building to be returned to a permitted occupancy and use, and the owner fails to secure and maintain the building in accordance with the standards set forth herein and the violation or violations of such standards has continued for more than one year or the owner fails to return the building to occupancy and use within the time period provided in the rehabilitation plan and any extension thereof, then the city may require the owner to deposit or deliver to the city

chamberlain a surety in an amount sufficient to cover the costs of demolition. If, after expiration of 18 months from the date of submission of the vacant building plan, there are outstanding violations of the standards set forth above or the building rehabilitation plan has not been substantially completed, the Town may issue an order directing the owner to demolish the structure. In the event such an order is issued, the owner shall be entitled to a hearing held in accordance with the procedure set forth in the Town of Big Flats Municipal Code.

(c) The surety required herein shall be in one of the following forms, subject to the review and approval of the Attorney for the Town of Big Flats:

- (1) Cash;
- (2) Irrevocable letter of credit; or
- (3) Insurance bond.

The surety shall be released or returned to the owner only upon the correction of all outstanding violations or upon substantial completion (as determined by the Code Enforcement Officer) of the rehabilitation plan.

(d) In the event the owner refuses, fails or neglects to comply with the demolition order issued as set forth above, the Town may enter upon such property and demolish or cause to be demolished the vacant building. The Town first shall recover the Town's cost for demolition by executing upon any demolition surety posted pursuant to this section. The owner shall be personally liable for all demolition costs incurred by the city in excess of the surety bond amount. Any costs incurred above any bond by the Town shall be a lien on the real property on which the building is situated and said costs shall be added as a separate line item on the property owner's real property tax bill.

**7. EXEMPTIONS FROM REGISTRATION.** A building which has suffered fire damage or damage caused by extreme weather conditions shall be exempt from the registration requirement for a period of 90 days after the date of the fire or extreme weather event if the property owner submits a request for exemption in writing to the Code Enforcement Office. This request will include the following information supplied by the owner:

(a) A description of the premises, including the street address, approximate age and square footage of the building, number of stories, and the most recent use of the building.

(b) The reason for an exemption.

(c) The names, principal residence address, principal business address, telephone number and email address of each owner. If the owner is an association, partnership, limited liability partnership, joint tenancy, tenancy in common, tenancy by the entirety or other entity, the name of each and every owner, partner or general partner and addresses. If the owner is a corporation or a limited liability company, the principal place of business of the corporation or company must be provided and the name, title and principal residence address of all officers, directors, managing members must be included. A post office box is not acceptable.



(d) A statement of intent to repair and reoccupy the building in an expedient manner, or the intent to demolish the building.

8. **INSPECTIONS.** By registering a vacant building, an owner consents to an enforcement officer inspecting the premises for the purpose of enforcing and assuring compliance with the provisions of this ordinance. Upon the request of the enforcement officer, an owner will provide access to all interior and exterior portions of a vacant building in order to permit a complete inspection. Nothing contained herein, however, shall diminish the owner's right to insist upon the procurement of an administrative search warrant from a court of competent jurisdiction by the enforcement officer or his or her designee in order to enable such inspection, and the enforcement officer shall be required to obtain an administrative search warrant whenever an owner refuses to permit a warrantless inspection of the premises after having been advised of his or her constitutional right to refuse entry without same. In the case of an emergency, this paragraph shall not apply.

9 **ANNUAL REPORTS.** Annually, the Code Enforcement Office shall send to the Town Board a list of all buildings in the Town declared vacant under the provisions of this ordinance, as well as a list of all previously declared vacant buildings which are no longer subject to the provisions of this section. This information may be published on the Town's website.

10. All the above fees and charges contained in this entire ordinance shall be used to defray the cost of administration of this ordinance and if not paid shall be charged against the property and applied to the property's annual tax bill.

11. **SEPARABILITY.** The provisions of this section shall not infringe, impair or diminish in any way the right of the Town to declare a building unsafe and to demolish it pursuant to Chapter 15.16 of the Town's Municipal Code.

12. **SEVERABILITY CLAUSE.** If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

13. **ADOPTION OF THIS LAW AND ORDINANCE.** This chapter shall be in full force and effect upon filing with the Secretary of State. All prior laws and parts of law in conflict with this chapter are hereby repealed.

CARRIED: AYES:

NAYS:

PROPOSED RESOLUTION NO. 10-062216  
A RESOLUTION TO APPROVE THE COMMUNICATION LOG FOR JUNE 22, 2016,  
AS PRESENTED BY THE TOWN CLERK

Resolution by:

Seconded by:

BE IT RESOLVED that the following communications were received, accepted and filed by the Town Clerk of the Town of Big Flats and referred to the appropriate Department Head for information and/or action:

June 15, 2016

Charter Communications– RE: June 15, 2016 Programming Notice Changes *Referred to: Town Board, and filed with Town Clerk.*

CARRIED: AYES:

NAYS: